

**MINUTES
UTAH STATE LPG BOARD
JANUARY 10, 2003**

BOARD MEMBERS PRESENT

Lynn Froerer
Mark Harris
Jim Johnson
Ed Martin
Kevin Eldredge

Chair, LP Gas Board
Vice Chair, LP Gas Board
LP Gas Board Member
LP Gas Board Member
LP Gas Board Member

BOARD MEMBERS ABSENT

Randall Austin
H. Scott Sowards

LP Gas Board Member
LP Gas Board Member

STAFF PRESENT

Gary A. Wise
Brent Halladay
Margo Densley
Ron Gustaveson
Mel Milgrom
Hugo Rico

State Fire Marshal
State Fire Marshal's Office
State Fire Marshal's Office
State Fire Marshal's Office
State Fire Marshal's Office
State Fire Marshal's Office

PRESENT

Brett Steel
Tom Clark
Chad Brown
Boyd Cook
Rick Wyss
Rob Voortmeyer
Kevin Ford

SS Supply Inc.
Intermountain Truck Rebuilders
Freeway Propane
Amerigas
Attorney General's Office
Suburban Propane
Suburban Propane

Meeting began at 10:06 AM at the Murray Fire Department with Vice Chair Lynn Froerer presiding.

Item #1 on the agenda was Board meeting called to order and Vice Chair Lynn Froerer welcomed everyone to the meeting. Board members Randall Austin and H. Scott Sowards asked to be excused, due to health conditions and the weather.

Item #2 on the agenda was reading and approval of the minutes of the September 13, 2002 Board meeting. Edward Martin entertained a motion to approve the minutes and Mark Harris seconded the motion. All Board members voted in favor.

Chief Deputy Brent Halladay introduced Margo Densley to the Board members and explained that the secretaries in the State Fire Marshal's Office have gone to a four day, ten hour a day, work week. This means that Joan Reed will no longer be working on Fridays. Therefore, Margo will be taking the minutes for the Board meetings that are held on Fridays.

Item #3 on the agenda was the election of a new Board Chairman and Vice Chair as required in UCA 53-7-304(8)(a). Mark Harris made a motion to re-affirm the election of Lynn Froerer as the Board Chairman and Mark Harris as the Vice Chairman. Edward Martin seconded the motion. All Board members voted in favor.

Chief Deputy Halladay welcomed State Fire Marshal Gary Wise and Rick Wyss, our representative from the Attorney General's Office to the Board meeting.

Item #4 on the agenda was the introduction of the new Deputy State Fire Marshal & LP Gas Specialist, Hugo Rico, and information to the Board on new inspection assignments. Brent introduced Hugo Rico to the Board members as our new LP Gas Specialist and explained that he has come to us with good experience from the Department of Agriculture where he was involved with weights and measures. Also, Brent explained the new inspection assignments. Hugo will be conducting the LP Gas inspections for facilities in Beaver, Box Elder, Daggett, Duchesne, Iron, Juab, Millard, Tooele, Uintah, Utah, and Washington Counties. Myron "Mel" Milgrom will be more involved with Portable Fire Extinguishers and Hood Systems and will continue to do LP Gas in Salt Lake County only. Ron Gustaveson will be in charge of inspections in Cache, Carbon, Davis, Emery, Garfield, Grand, Kane, Piute, Rich, San Juan, Sanpete, Severe, Summitt, Wasatch, Wayne, and Weber Counties. Ron distributed copies of the new inspection assignments to the Board.

Item #5 on the agenda was a report by Ron Gustaveson of the activities of the division and monies collected. Ron distributed copies of the LP Gas division activity report to the Board members. Brent Halladay explained that as of December 31, 2002, we have collected \$52,434.25. Brent explained that this is half way through the fiscal year, and that puts us right on track of where we normally are with the amount of collections. Because of the fact that Hugo is hired under dedicated credits, collections will have to increase. This should be possible, due to the fact that Hugo along with Ron and Mel will now be doing the collections.

Item #6 on the agenda was a report by Board member Scott Sowards of the LP Gas vehicle accident in Dagget County. Due to the absence of Scott, Deputy State Fire Marshal Myron L. "Mel" Milgrom presented this report. Mel explained that Scott Sowards had hired a new employee, the new employee was driving an LP Gas vehicle on November 25, 2002 at approximately 10:30 A.M. on Highway 191 in Dagget County, when he hit some ice and lost control of the vehicle. The vehicle went off of the road, overturned and was totaled. There was no leakage of LP Gas from the accident. However, eight gallons of gas was lost into the atmosphere while transferring the product from the overturned vehicle into a bobtail truck. There were no injuries and there were no other vehicles involved. Mel explained that this was a simple traffic accident and that speed was a problem and the employee was terminated. Chairman Lynn Froerer, also reported a fire in the North View Fire Department area that started this morning. It was apparently caused from an LP Gas bottle that had been leaking. This fire involved a house that was under construction and the home was totally lost. There were no injuries. There will be more to report when information from the investigation becomes available. Mark Harris had an

accident to report as well. Turner Gas lost a Pup Trailer at the Fillmore exit ten days ago and there was no release of product. The driver was sighted for not maintaining his lane. The vehicle went off of the shoulder of the road, the driver overcorrected and overturned the trailer onto the freeway. This accident did close the interstate for about six hours and it was reported to DOT. This accident was also routed through Homeland Security.

Item #7 on the agenda was a presentation to the Board by Brent Halladay on proposed rule changes to enact the over 5000 gallon inspection requirements. This would include the protection of company lists of clients that have over 5000 gallon containers. Also the enactment of RV service companies. Brent explained that in the LP Gas rules R-710-6-6.16 under fees there is the LP Gas private container inspection of \$150.00. Also, in Section 8 already in the rules is 8.3 all LP Gas containers of more than 5000 water gallons shall be inspected at least bi-annually. Brent explained that the State Fire Marshal's Office probably knows where about 50% of these tanks are in the state of Utah. He said that we intend to ask the industry to provide us with lists of where these private containers that are greater than 5000 water gallons are located. The State Fire Marshal's Office will then inspect these tanks to make sure that they are in compliance. Brent explained that we know that this is a concern because of the proprietary interests of these lists. Brent also reported that these lists have been made protected documents, due to the fact that these distributor records are considered competitive in nature and releasing them would create unfair competitive injury. The only way to get a copy of the protected document, with the exception of the State Fire Marshal's Office, would be with a court order from a judge. Discussion was held on this matter. Handouts on the Division of State Archives and the LP Gas Rules R-710-6 were distributed to the Board members.

Item #8 on the agenda was a report to the Board by Brent Halladay and Ron Gustaveson on the new DOT requirements for pressure vessel testing, hose management, and hazmat training. Brent asked Myron "Mel" Milgrom to provide this report, as Ron has been very busy this week. Mel reported that on March 5, 2003, the State Fire Marshal's Office will be providing a class on these new requirements. Bob Brown, USDOT, will be teaching the classes on this matter. The LP Gas industry and the Highway Patrol UTEP officers will be invited. The Federal Government will be providing the funding for this class. Also, Rich Bergstrom with PERC will be conducting a class this summer on these new requirements. Discussion was held on this matter. Mel reported on a list of changes to the Code of Federal Regulations, this list was prepared by NPGA and can be ordered through them. Mel also explained that Ron, Hugo and himself will be out inspecting the Bobtails and records of the LP Gas industry to ensure compliance. Mel stated that Board member Mark Harris has provided an inspection form that may be used as a guide for these inspections and this form was handed out to Board members. Also, Mark has provided the new DOT requirements list that was handed out to the Board members. Rich Burgston and Boyd Cook expressed concerns that the State Fire Marshal's Office may be overextending its jurisdiction with these inspections. Discussion was held on this matter and Chief Deputy Halladay assured that the State Fire Marshal's Office would be fair.

Item #9 on the agenda was Old Business. State Fire Marshal Gary Wise explained that the legislature met to cut monies from the budget. There was concern that the State Fire Marshal's Office would have a damaging cut in their budget. However, the budgeting for this office was changed. Currently this offices budget is covered with dedicated credits, general fund money, and money from the Fire Academy Support Account. This is a restricted account, funded through insurance premiums for fire service training. Now the operations of this office will be totally funded by this Fire Academy Support Account. State Fire Marshal Wise stated that this should add stability to this office. The fund is very

lucrative and is a solid revenue stream. It grows consistently and it will not be detrimental to fire service training. The Fire Marshal's Office supports fire service training throughout the state in a lot of different ways, so it is very appropriate for this office to be supported by this fund. Senator Valentine was the sponsor of the original proposal. The Fire Marshal will meet with him on Monday to discuss this matter. It is not going to impact the fire service in their training programs. It will take some pressure off of future state deficits and it will help in the future if additional personal or new programs are needed for this office. Discussion was held on this matter.

Mark Harris expressed concerns about the need for liability insurance for the LP Gas industry. Chief Deputy Halladay stated that this would be a decision for the Board members. Discussion was held on this matter. This discussion was tabled for now by Chairman Lynn Froerer.

Item #10 on the agenda was New Business. There was no new business.

Item #11 on the agenda was next meeting date and time. It was decided that April 4, 2003, at 10 AM would be the next meeting date at the Murray City Fire Department. Mark Harris made a motion to adjourn the meeting, Jim Johnson seconded the motion, and all Board members voted in favor.